

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

	x
YURMAN STUDIO, INC. and YURMAN DESIGN, INC.,	:
Plaintiffs/Counter-Defendants,	:
- against -	:
ELENA CASTANEDA and EJEWELER LLC d/b/a OVERSTOCKJEWELER.COM,	:
Defendants/Counter-Plaintiffs.	:
	x
	x
CARTIER, a division of RICHEMONT NORTH AMERICA, INC., CARTIER INTERNATIONAL, N.V., CARTIER CREATION STUDIO, S.A., VAN CLEEF & ARPELS S.A., VAN CLEEF & ARPELS, INC., VAN CLEEF & ARPELS DISTRIBUTION, INC., GUCCI AMERICA, INC., and BULGARI S.p.A.,	:
Plaintiffs,	:
- against -	:
ELENA CASTANEDA and EJEWELER LLC d/b/a OVERSTOCKJEWELER.COM,	:
Defendants.	:
	x

**DECLARATION OF LOUIS S. EDERER, ESQ. IN OPPOSITION TO
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	x
YURMAN STUDIO, INC.,	:
	:
Plaintiff/Counter-Defendant,	:
	:
vs.	:
	:
ELENA CASTANEDA and EJEWELER LLC	:
d/b/a OVERSTOCKJEWELER.COM,	:
	:
Defendants/Counter-Plaintiffs,	:
	:
vs.	:
	:
YURMAN DESIGN, INC.,	:
	:
Third-Party Defendant.	:
	:

**Defendant Castaneda and
Ejeweler's Responses to
Plaintiffs' Third Set of
Interrogatories**

CARTIER, a division of RICHEMONT	:
NORTH AMERICA, INC., CARTIER	:
INTERNATIONAL, N.V., CARTIER	:
CREATION STUDIO, S.A., VAN CLEEF	:
& ARPELS S.A., VAN CLEEF &	:
ARPELS, INC., VAN CLEEF & ARPELS	:
DISTRIBUTION, INC., GUCCI	:
AMERICA, INC., and BULGARI S.p.A.,	:
	:
Plaintiffs,	:
	:
vs.	:
	:
ELENA CASTANEDA and EJEWELER LLC	:
d/b/a OVERSTOCKJEWELER.COM,	:
	:
Defendants.	:
	:

Pursuant to Fed. R. Civ. P. 33, Defendants Elena Castaneda (“Castaneda”) and Ejeweler LLC (“Ejeweler”) d/b/a Overstockjeweler.com (collectively “Defendants”), by and through their attorneys, Zarin & Associates P.C., respond to Plaintiffs’ Third Set of Interrogatories, as follows:

General Objections

1. Defendants object to the interrogatories to the extent that they seek information protected by the attorney client or work product privileges or is otherwise immune to disclosure. Any inadvertent production of information shall not constitute a waiver of these privileges.
2. Defendants reserve the right to supplement, revise, correct or clarify any of the responses provided herein.
3. Defendants provide the responses herein without waiving or intending to waive any right to object to the admissibility of the information requested as evidence on trial of the matter on the grounds of competency, relevancy, materiality, privilege, trade secret status, or any other pertinent grounds for objection.

Interrogatories

Interrogatory No. 1

State whether Overstock intends to rely upon the “advice of counsel” defense in defending against any of Plaintiffs’ claims, including without limitation the claim that Overstock’s infringing conduct is willful or intentional, and, if so, state the basis of any such defense and identify each and every Document and Communication

concerning any such defense or which Overstock intends to rely upon in support of such defense.

Response

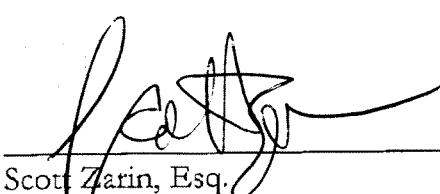
Objection. This interrogatory is overly broad and unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this interrogatory does not seek factual information, but rather impermissibly asks Defendants, who are not attorneys, to offer their legal opinion and strategy.

I, Elena Castaneda, declare, under penalty of perjury, that the foregoing is true and correct.

Date: _____


Elena Castaneda
Elena Castaneda individually and
on behalf of Ejeweler LLC

Date: April 25, 2008



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